G. R. S. IX-5]

Previous references.

Ch. 4-19 (37, 40)
" —do— (43, 47)
" 157-18 (2-19)

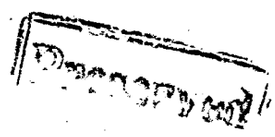
Later references.

Ch. 1-21 (62, 64)

192 (Cts)

File No. 19-20

Serial Nos. 5354



Preserve
B.
9.5.42

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two.

Part B for September 1921.

SUBJECT.

Investiture of Mr. S. Abdul Wajid, Asstt. Commr. and Ex-officio First-class Magistrate, Jaipore Sub division, with certain powers.

8(54) To the Compiler, Jaipore Gazette.

No. J. 596 dt 5-8-21.

Notifies the above.

No. J 595 dt 5-8-21.

Forwards copy of the above Notification to the Dist. Magistrate, Jaipore Dist.

WD 1888—GPB—16,826—23-7-21

15/9/21. JR

G. R. S. 11] 1920-21

GENERAL AND REVENUE SECRETARIAT.

Cts)

NOTES.

File No. ~~19-20~~ 21 / 5

FILE HEADING.

Investiture of Assistant Commissioners with powers.

From

The Registrar Chief Court.

Rore No. 1044 Dated 19/21-5-1921 Received 21-5-1921

Diary No. 24255	Enclos. 1	Spare Copies.	Serial No. 53

BRIEF ABSTRACT OF LETTER.

Forwards the recommendation roll received from the Dt. magistrate Mysore and recommends that Mr S. Abdul Wajid BA Sub-Dupsion Officer Mysore Subdupsion may be invested with certain additional powers.

NOTES AND ORDERS.

T

Read

Mr S. Abdul Wajid BA had been invested with III class powers only Vide Govt. notn no 4/23948/Cts 4-19-40 & 19-4-21. A recommendation was sent by the District magistrate in May 1920 that he may be invested with second class

Serial No.

V

powers. It was then directed that the recommendation may be made thro' the Lahore Court vide letter no G 2326 S/Cts 4-19-47 dt 26/6/1922

2) The District magistrate now states that he is an ex officio First class Magistrate and the Registrar Lahore Court has forwarded the recommendation roll

3) From the file of papers here it is not known when he was appointed a first class magistrate. The powers recommended to are of such a nature as to be generally given to a first class magistrate. Submitted for orders

25/5/21

To Rept also

4) Mazar may be put up after enquiry in the matter.

D. M.
8/6

Resubd.

5) In the districts in which the Separation Scheme has been introduced, all the Divisional Asst Comrs have been appointed ex officio First class Magts & all the Amildars & Dy Amildars ex officio Second class Magts.

6) The recommendation made on behalf of Mr Wajid is thus in order & a draft is accordingly put up

8/6

7) Mazar may be put up in Cl. Shows this

D. M.
9/6

NOTE—Contn. sheet.

21255 21185 3.

G. R. S. III-2]

General and Revenue Secretariat. | Cls File No. 19 of 1920-21

Serial No.

1) Submitted with the Govt notification no G 14638/Cls 137-19-5 dt 23-12-1919

2) 9/6/21

3) Draft notify and Gazette

Revised 13/6/21

2nd Member —

D.M. 11/6

D.M. 13/6

7185/Cal/6/21

4) What is the meaning and scope of this Magistrate? Does it mean that any man whether he may or may not possess any knowledge of law can exercise the powers functions and jurisdiction of a Magistrate; the Municipal Act becomes an Act Can be appointed only under a Statute. A Magistrate and the Kind — the notification appointed to Cantt commissioners conferring powers within Municipalities + Cantt areas then in charge of the Police, whether under a notification like that powers can be validly exercised by the Act Cantt is a municipality subsequently appointed is a point for consideration + may be examined

hlw 10/6

11) The words "ex-officio" should, I think, be omitted. Attorney may please examine Govt — hlw 16/6/21

12) Mr. Pushp available for discussion

D.M. 17/6

NOTE.—Contn. sheet.

2:255

G. R. S. III-2)

General and Revenue Secretariat.

No File No. 19 of 1920-21

Serial No.

Subd

13) Notification no G 14638 / Cls 137-19-5 dt 23-12-1920 confers on the Assistant Commissioners by virtue of their office, powers of a first class magistrate with effect from 2nd January 1920. Mr Abdul Wazid has been an Assistant Commissioner in charge of the Mysore Dt Treasury from 5-1-1920 and is now a Subdivisional officer, Mysore Subdivision. The notification referred to applies in his case as he has been appointed ~~was from the date of his office~~ after 2-1-1920.

14) If approved the notification may issue and the question further dealt with

B/
9/6/21

Subd

15) Kind reference is invited to Draft III of para 7 of Part I General of the report of the Special Duty officer on the introduction of the Separation Scheme. He states that "Special magistrates are intended to have restricted local jurisdiction as well as restricted powers. The best course seems to be to withdraw the magisterial powers under section 41 Cr P C from the existing Amildars and Assistant Commissioners and then decide a

NOTE—Contn. sheet.

G. R. S. III-2,

General and Revenue Secretariat.

Cts File No. 19 of 1921.

Serial No.

general notification under section 39 of the Code appointing all Amildars and Assistant Commissioners in charge of Revenue Subdivisions ex officio magistrates of 2nd and 1st class respectively - Such a general notification was issued by the Madras Govt in 1893, while giving effect to the scheme of Stationary Submagistrates

(b) Accordingly in G. notification no G 14634/Cts 137-19-4 G 23.12.1919, the Magisterial powers of the Assistant Commissioners and Amildars were withdrawn and again reinvested by virtue of their office with the magisterial powers in Govt notification no G 14638/Cts 137-19-5 G 23.12.1919 with effect from 2nd January 1920

17) It is presumed that only qualified persons will be posted as Assistant Commissioners and Amildars in those districts as these powers are given to them, in virtue of their office -

(c) Read with reference to para 12 15.7.21 15/7

(d) May be laid by Under Secy

Dy. Secy. 22/7

070

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat.

File No. 15 of 1920

Serial No.

1) The expressions "Powers" appearing in the order of 1918 and "Duties of office" seem to be the same. and under Sect 39 of the Act the order under which notifications empowering Asst Dist officers whatever their qualifications may be to exercise the powers of a first class Magistrate in places to which separation scheme has been extended in virtue of their office seems all persons appointed to the said place from time to time may exercise the powers without requiring any such notification each time of change of incumbents. No qualification for the exercise of the powers seems to have been prescribed anywhere. If this is considered necessary the order of 1918 may be modified & such notification in terms of the decision which may be arrived at may be issued.

2) The Govt Advocate may also be consulted. If in the existing state of affairs a such notification as to the Asst Commrs appointed as Asst Dist officers in separation scheme places with 1st class powers is necessary

NOTE—Contn. sheet

G. R. S. III-2.

24255

General and Revenue Secretariat.

File No. 15 of 1920.

Serial No.

On charge of Encumbered

22) There is a Chief Court decision, I think, on a similar point.

Please look it up.

D. M. 1/8

23) The term 'Ex-officio' means by virtue or because of an office. If this term is omitted, then every officer shall have perhaps to be invested with powers under a separate notification.

24) If it is retained, any officer can I think exercise powers whether he is duly qualified or not. The powers seem to go with the office which the officer holds & not with the qualifications possessed by the holder. Since Bench Magistrates, who have passed no exams are being invested with 2nd class powers, there would perhaps be no harm if Asst. Comrs are invested with 1st class powers by virtue of their office. These powers may be held to mean only the ordinary powers, and additional powers may be invested only when they are duly qualified

Submitted for orders

D. M. 1/8

Revised

25) The letter of 23.12.19.

H.C.O

NOTE—Contn. sheet

G. R. S. III-2.

24255

General and Revenue Secretariat.

File No. 15 of 1920.

Serial No.

~~It~~ makes it clear that the magisterial powers are conferred on the Asst Courts ex-officio. This, of course, does not apply to all districts, but only to those in which ~~the~~ executive & jud. functions are separated. In the case of ~~these~~ magisterial appts. in these latter districts it is presumed that only Asst. Courts ~~who~~ competent to exercise 1st class powers will be appointed — their primary, & in fact sole, duty being the ~~exercise~~ discharge of magisterial functions. Hence it seems that there is no need to reconsider the matter or to effect any change.

2b) The draft notn is for appl. or other orders —

2.8.21.

903/2.8.21.

2nd member) 3/8 Appl Auth 3/8

2.8.21.

DM. 2/8

BS) Jones

3.8.21.

54 To the Compiler — DM. 4/8

Response Gazette

No 594 dt 5-8-1921

notifies the constitution of Dr. S Abdul Wajid with powers to require

NOTE—Contn. sheet

G. R. S. III-2.

9

General and Revenue Secretariat.

File No. 19 of 192.

Serial No.	
	Security for good behaviour and to take down the ex evidence of witnesses, with his own hand in the English language
	To see D. M. Depose by
	No 595 dt 5-8-1921
	Forwards copy of the above.

NOTE—Contn. sheet.

00658

DIARY No 24258 / 10

1920-1921

Chief Court of Mysore,

Bangalore, dated 19th May 1921.

GEN & REV.
CH. SECT.
21 MAY 1921

From

G. SRINIVASA IYER, Esquire, B.A., M.L.,

Registrar of the Chief Court of Mysore.

To

K. MATTHAN, Esquire, B.A.,

Offg: Chief Secretary to the Government of

Bangalore.

Sir,

I am directed to recommend that Mr. S. Abdul Wajid, B. A., Sub Division Officer and Ex Officio First Class Magistrate, Mysore Sub Division, be invested with the marginally noted powers.

1. Power to take down evidence in English language in his own hand under section 357, Criminal Procedure Code.
2. Powers under the Mysore Lunacy Regulation.
3. Power to require security for good behaviour under section 110, Criminal Procedure Code.

The recommendation roll received from the District Magistrate, Mysore, is herein enclosed.

I have the honour to be,

Sir,

Your most obedient servant,

G. Srinivasa Iyer

REGISTRAR.

Cr.P.C. Sec 53 (A)

11

RECOMMENDATION ROLL FOR INVESTITURE OF CRIMINAL POWERS.

1. Name..... Mr. S. Abdul Wajid,

2. Official Designation..... Assistant Commissioner, Second Class Schedule, B.

3. Pay..... Rs.400/-

4. Examinations passed... B.A., Civil Parts I & II., Criminal Higher, Revenue Higher and Registration.

5. When appointed Magistrate.... Was appointed Magistrate, 3rd class in Government Notification No.23948/Cts.4-19-40

6. No. and date of Notification investing him with powers. At present Sub Dn.Officer, Mysore Sub Division, also an Ex-Officio 1st Class Magistrate.

7. Powers for which recommended and reasons... 1. Power to take down evidence in English Language in his own hand under Sec.357., Criminal Procedure Code.

2. Powers under the Mysore Lunacy Regulation.

3. Power to require security for good behaviour under Sec. 110 Criminal Procedure Code.

8. Remarks as to efficiency, etc..... The Investiture of powers recommended herein is necessary for the prompt despatch of work and also to afford some relief to the Special 1st Class Magistrate, Mysore.

District Magistrate's Office,
~~*Bangalore District,*~~
MYSORE
Dated..... 2nd May ..... 1921.

District Magistrate
of the ~~Bangalore~~ Mysore District.

WD, A 01688—GPB—250—17-7-18

Ab 418

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, the *191* .

Date of issue 5/8

Signed by M-Bh

Section Ab

File No. 19-24

Serial No. 54

No. 1 J594

To

Notification.

Under Sec. 32 of the Code of Criminal Procedure, 1924, Mr S. Abdul Wajid, B.A., Asst Com^r and ex officio First Class Magte, Mysore Sub Division is invested with the power of requiring security for good behaviour under (Section 110.), and under Section 357 of the Code he is empowered to take down the evidence of witnesses with his own hand in the English language

over.

5/8

2. He is also empowered to perform the functions of a Master under the Nyasa Lunacy Regn, 1916

By Order

Dy. 11/6. Rev Secy Govt

To the Compiler, Nyasa Gazette, for publication

£ 5.9.5 Dy: 5/8/21

Copy to the Dr Magte, Nyasa W for information.

By D. 4/1 Rev Secy

List of enclosures.

Copied by

Examined by